

Amendment No. 2 to HB1615

McDonald
Signature of Sponsor

AMEND Senate Bill No. 632*

House Bill No. 1615

by deleting SECTION 5 of the bill as amended and by substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following as a new, appropriately designated subsection:

() A person desiring to alter a specific water of the state may request a determination from the commissioner that it is a wet weather conveyance and submit a report from a qualified hydrologic professional in support of the request. As specified in regulations promulgated by the board, the report shall include the names and address of downstream riparian landowners who may be affected by an alteration to the watercourse. The regulations promulgated pursuant to this section shall provide for prompt notification to such downstream landowners of the submission of the report to the department. Department staff conducting site visits arising from a report may be accompanied by a downstream landowner, or the representative of such landowner. If such report contains all of the information that is required in rules promulgated by the board, and in accordance with the department's procedures and guidance, and is certified by a qualified hydrologic professional to be true, accurate and complete and, if submitted after promulgation of the rules required by Section 3 of this act, contains all of the information that is required by such rules, then the determination made in the report shall be presumed to be correct, unless the commissioner notifies such person, in writing, within sixty (60) days of submittal of the report, that the commissioner has affirmatively determined that the water of the state in question is a stream and includes in such written notice the reasons for that determination. Such person may appeal a determination by the commissioner that the specific water is a stream by filing a petition for appeal with the board within thirty (30) days of receiving the commissioner's decision.

For purposes of this subsection, a qualified hydrologic professional is a person holding a bachelors degree in biology, geology, ecology, engineering or related sciences, having at least five (5) years of relevant experience in making hydrologic determinations and who has been certified as a hydrologic professional pursuant to rules promulgated by the board.